

Remarks & Arguments

In the Office Action, the Examiner noted that Claims 21-40 are pending in the application, and that Claims 21-40 are rejected. The Examiner's rejections are traversed below.

Double Patenting

Claims 21-40 stand rejected under the judicially created doctrine of obviousness-type double patenting. Applicant notes that Claims 21-40 currently stand rejected under 35 USC 102. Accordingly, Applicant respectfully requests that the double patenting rejection be held in abeyance until all other rejections have been overcome. The Applicant will then provide a terminal disclaimer if the double patenting rejection still applies.

Rejections Under 35 USC 102 and 103

Claims 21-40 stand rejected under 35 USC 102(b) as being anticipated by Majumdar et al. (U.S. Patent 4,672,245). Applicant respectfully asserts that the rejection fails to make a prima facie case of anticipation. With regard to Claim 21, the rejection alleges that Majumdar discloses in Figure 1 "an apparatus comprising a normally off FET (2), ..., and a starter (BJT 3) coupled to the FET." The rejection fails to indicate how this relates to the elements of Claim 21. Applicant does not know what is considered equivalent to "the first means" and what is "the second means". However, as best as can be determined, the rejection appears to be alleging that the FET is equivalent to the first means and the BJT is equivalent to the second means. If so, Majumdar

clearly teaches away from the limitation “a second means for starting conduction of said current in said first means in response to said first bias voltage.”

Majumdar discloses that when the voltage level of the driving pulse supplied between the gate and the source of the MOS-FET 2 ... exceeds the threshold voltage of the MOS-FET 2, the MOS-FET 2 is turned on,” (col. 4, line 2-6). In other words, the FET (e.g., first means) of Majumdar is normally off and conducts current in response to a bias voltage. Majumdar further discloses “... when the level of the driving pulse exceeds the total ... of Zener breakdown voltage of the Zener diode 6, forward voltage drop of the diode 7 and base-to-emitter forward voltage drop of bipolar transistor 3 the voltage driving pulse from the driving circuit 1 is supplied as the base current to the bipolar transistor 3 through the Zener diode 6 and the diode 7. The base current causes base-to-emitter saturation of the bipolar transistor 3, whereby the bipolar transistor 3 is turned on,” (col. 4, lines 6-16). In other words, the BJT (e.g., second means) of Majumdar turns on in response to a bias current. Majumdar further discloses “the MOS-FET is already in an ON state when the base current starts to flow to the bipolar transistor 3...,” (col. 4, lines 16-18). In other words, the BJT (e.g., second means) of Majumdar turns on after the FET (e.g., first means) begins conducting.

Accordingly, Majumdar does not teach or suggest “a second means for starting conduction of said current in said first means in response to said first bias voltage. For all of the above-advance reasons, Claim 21 is patentable over Majumdar. Furthermore, Claims 22-24 are dependent upon Claim 21 and incorporate all the limitations therein. Thus, Claims 22-24 are

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also patentable over Majumdar for the same reasons advanced in support of Claim 21.

Withdrawal of the rejection of Claims 21-24 is therefore respectfully requested.

With regard to Claims 25, 28-39, 31, 33-34, 36-37 and 39, the rejection alleges that the scope of the claims are similar to those of Claims 21-24 and therefore are rejected for the same reason. To the extent that Claims 25, 28-39, 31, 33-34, 36-37 and 39 are similar in scope to Claims 21-24, the Applicant respectfully asserts that Claims 25, 28-39, 31, 33-34, 36-37 and 39 are therefore patentable over Majumdar for the same reasons advance in support of Claim 21. Furthermore, Claims 30 and 32 are dependent upon Claims 25 and 31, respectively, and incorporate all the limitation therein. Thus, Claims 30 and 32 are also patentable over Majumdar for the same reasons advanced in support of Claim 21. Withdrawal of the rejection of Claims 25-41 is therefore respectfully requested.

Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a

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petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: November 12, 2004

A handwritten signature in black ink, appearing to read "Eric J. Gash", is written over a horizontal line.

Eric J. Gash
Registration No. 46,274
Tel.: (408) 938-9060